

MUST FACE PERJURY CHARGE

State's Application for
of Habeas Corpus
Denied by Court.

ED TO CUSTODY
THE TEXAS SHERIFF

Give Notice of Ap-
and Bond Is Fixed
at \$40,000.

S. Mo., May 15.—H. Clay
man of the board of the
Oil company, was today
the custody of Sheriff
Texas to answer to an in-
ing perjury, by a deci-
this morning by Judge
the United States Circuit
ams today denied the ap-

plication of Mr. Pierce for a writ of
habeas corpus.

Mr. Pierce is wanted in Texas to an-
swer to an indictment charging per-
jury in an affidavit made by him in
May, 1900, to the effect that the Wa-
ters-Pierce Oil company was not a party
to any pool, trust, confederation or
combination in restraint of trade.

After Judge Adams had read his de-
cision, Attorney Priest immediately
asked that the execution of the
court's order be delayed till 2 o'clock
this afternoon to enable him to decide
whether to make an appeal to the Uni-
ted States court of appeals or directly
to the United States Supreme Court.
Judge Adams granted the request.

State Wants Bond Raised.
Attorney Barclay, representing the
State of Texas, asked that the court
increase the bond of \$10,000, under
which Pierce was released from cus-
tody when he was surrendered on May
8, but Judge Adams stated that the
bond would remain at that amount un-
til 2 o'clock this afternoon. Mr. Pierce
had little to say as he left the court-

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room with his attorney. He spoke to
several friends who crowded forward
to shake his hand, but made no com-
ment.

In his decision Judge Adams reviewed
the Texas indictment and the grounds
upon which it was based, and cited a
number of Supreme Court expressions
concerning the framing of indictments.
The decision continued:

"Such are the more recent expres-
sions of the Supreme Court of the Uni-
ted States on this question. They
amount to this, that while every pre-
caution must be taken to fairly and
fully apprise the accused of the nature
and cause of the accusation against him,
so as to enable him to make his defense
and plead the judgment which may be
rendered in the case for his protection
against another charge for the same
offense, and thereby protect him to the
full in his constitutional right to a fair
and impartial trial, no impracticable
or useless standards of technicality or
refinement, which tend to defeat justice
or embarrass its administration should
be adopted. Such is also the statutory
law of Texas—an indictment for any
offense against the penal laws of this
State shall be deemed sufficient which
charges the commission of the offense
in ordinary and concise language in
such a manner as to enable a person of
common understanding to know what
is meant."

Basis of the Decision.

"In the light of the foregoing and
reasonable rules it would seem that if
a president of a corporation, whose
duty it was as its chief executive to
know what kind of an agreement his
company had made, should, pursuant
to a law requiring him to do, make an

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affidavit that his company was not, on
a given day, a party to any agreement
with any other company to fix the
price or limit the production of an
article of manufacture, the affiant
could hardly say, when charged with
false swearing in that particular, that
he could not understand the nature of
the charge; that its meaning was not
apparent to common understanding;
that it was only the expression of an
opinion without knowledge of its mean-
ing, when taken in connection with the
law governing the same.

"The indictment in the particulars
just discussed in my opinion states the
substance of an offense within the

meaning of the extradition laws of
the United States.

"It is argued that, because the in-
dictment was not found within the
year after the commission of the
offense, prosecution for it is barred
by the statute of limitations. That
argument is without merit. It may
turn out to be true that the petitioner
has been absent from the State of
Texas, during a part of the time, since
1900. If so, the duration of such ab-
sence would not be included in the
period of limitation.

Clearly Stated.

"After a careful consideration of
the argument of counsel for both sides,
the conclusion is irresistible that the
substance of an offense is found in the
indictment, and that jurisdiction rests
alone with the courts of the demanding
State to pass upon any question which
may arise in its consideration and
trial. The prisoner must be remanded,
and it is so ordered."

When the court re-convened at 2
o'clock Attorney Priest gave notice
that two appeals would be taken from
the decision of Judge Adams, one to
the United States circuit court of ap-
peals, and one to the United States
Supreme Court. The court then admitted
Pierce to bond in the sum of \$20,000
on each appeal.

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